

**CRIMINAL ENTERPRISE DATABASE**

ISSUE DATE:	11 April 2019	EFFECTIVE DATE:	11 April 2019
RESCINDS:			
INDEX CATEGORY:	Gang and Narcotic Abatement		

I. PURPOSE

This directive introduces:

- A. the Criminal Enterprise Database.
- B. a revised criminal enterprise and gang affiliation identification criteria.
- C. procedures for entering persons into the Criminal Enterprise Database.
- D. responsibilities for reviewing, auditing, and purging listings from the Criminal Enterprise Database.
- E. the Criminal Enterprise Database Access form (CPD-31.615) and the Criminal Enterprise Database Appeal form (CPD-31.625).

II. ILLINOIS COMPILED STATUTES (ILCS):

Illinois Compiled Statutes, 740 ILCS 147 — Illinois Street Gang Terrorism Omnibus Prevention Act.

740 ILCS 147/5(b) — The General Assembly finds that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by streetgangs. The General Assembly finds that there are now several hundred streetgangs operating in Illinois, and that while their terrorism is most widespread in urban areas, streetgangs are spreading into suburban and rural areas of Illinois.

III. SCOPE

The purpose of the Criminal Enterprise Database is to collect and manage criminal and gang intelligence information to prevent, detect, and investigate criminal activity.

IV. CRIMINAL ENTERPRISE DATABASE

- A. The Criminal Enterprise Database is a CLEAR application used for the entry of information based on an individual's membership in or affiliation with a criminal enterprise or street gang.
- B. The Information Services Division will establish the Criminal Enterprise Database CLEAR application for use by authorized Department members. The Information Services Division will initially gather all existing Department gang-related information in conjunction with the appropriate Department personnel to apply the criteria delineated in Item VI of this directive to all existing Department gang-related information before entry in to the Criminal Enterprise Database.
- C. Only Department members who have completed the new user and any required continuing education training will have access to the Criminal Enterprise Database.
- D. Upon supervisory approval, all information entered into the Criminal Enterprise Database will be reviewed by the appropriate district intelligence officer and by the designated members of the Gang Investigation Division and the Deployment Operations Section. The Deployment Operations Section has final authority to review, remove, and manage information within the Criminal Enterprise Database, unless as otherwise delineated in Item IX-D of this directive.

V. DEFINITIONS

- A. **Criminal Enterprise** — A group of individuals with an identified hierarchy or comparable structure engaged in a course or pattern of criminal activity.
- B. **Street Gang** — "Street gang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity in accordance with the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147).
- C. **Street Gang Member** — "Street gang member" or "gang member" means any person who actually and in fact belongs to a gang and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself or herself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity in accordance with the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147).
- D. **Hierarchy** — an organized chain of command or leadership structure, whether formal or informal, with leadership that can be interchangeable.
- E. **Membership** — knowingly belonging to a criminal enterprise or street gang by whatever means or methods such enterprise or street gang uses to indicate membership.
- F. **Affiliate** — knowingly establishing a close connection as an accessory or associate with a criminal enterprise or street gang, knowingly promoting the criminal activity of the criminal enterprise or street gang, or knowingly performing any act or knowingly failing to take action which furthers the criminal, economic, or recruitment objectives of the criminal enterprise or street gang.
- G. **Criminal Activity** — The commission, attempted commission, or solicitation, in association with or with intent to promote criminal conduct by criminal enterprise or street gang members, of two or more acts of the following offenses, at least one of which occurred within the last five years: murder; drug-induced homicide; kidnapping; forcible detention; aggravated assault—discharging firearm; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; home invasion; aggravated criminal sexual assault; robbery; armed robbery; burglary; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosives or incendiary devices; unlawful use of weapons; unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; mob action—violence; bribery; armed violence; manufacture or delivery of cannabis; cannabis trafficking; calculated criminal cannabis conspiracy and related offenses; illegal manufacture or delivery of a controlled substance; controlled-substance trafficking; calculated criminal drug conspiracy and related offenses.
- H. **Qualifying Criminal Offense** — any offense that involves force or the threat of force against another individual, the use or possession of a firearm or other deadly weapon, any offense that requires registration as a sex offender, a violation of an order of protection or civil no contact order, stalking, a violation of the Controlled Substances Act or Cannabis Control Act, or any offense that involves gang membership, intimidation, solicitation, association, or recruitment as an element of the offense.

VI. CRIMINAL ENTERPRISE AND GANG AFFILIATION IDENTIFICATION CRITERIA

- A. Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to:
 1. analysis of crime pattern information;
 2. observations by Department members;
 3. witness interviews;
 4. interviews of admitted criminal enterprise or street gang members; and
 5. information received from informants who have proven to be reliable and whose information can be independently corroborated.

- B. Membership in or affiliation with a criminal enterprise or street gang must be substantiated by specific, documented, and reliable information received by the Department within the past five years, and in accordance with the following:
1. The individual's own admission of membership or affiliation on lawfully captured electronic or video recorded communications, such as body-worn camera, in-car video system recordings, electronically recorded interview, electronic communications, or a consensual overhear device; or
 2. Two or more of the following:
 - a. an unrecorded or non-intercepted statement provided voluntarily by the individual, or if a statement is made pursuant to a custodial interrogation, a statement provided by the individual following a knowing, intelligent, and voluntary waiver of his or her constitutional rights.
 - b. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, but only when such emblems, tattoos, or similar markings would not reasonably be expected to be displayed by any individual except a member of that specific criminal enterprise or street gang.

NOTE: Membership may not be established solely because an individual is wearing specific items of clothing which are available for sale to the general public.

- c. the use of signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that specific criminal enterprise or street gang.
- d. the identification of the individual as a member or affiliate of a specific criminal enterprise or street gang by an individual who has provided reliable information to the Department in the past and whose information can be independently corroborated.
- e. the identification of the individual as a member or affiliate of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution.
- f. a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design.

NOTE: Determinations regarding an individual's membership in or affiliation with a criminal enterprise or street gang will not be based solely on an individual's race, gender, religion, ethnicity, culture, socioeconomic status, or other protected classes consistent with G02-04 "**Prohibition Regarding Racial Profiling and Other Bias Based Policing.**"

VII. PROCEDURES FOR ENTERING PERSONS INTO THE CRIMINAL ENTERPRISE DATABASE

Following the positive identification of a person with membership in or affiliation with a criminal enterprise or street gang:

- A. Department members will:
1. ensure information and all supporting documentation is entered into the CLEAR Criminal Enterprise Database accurately.
 2. locate and make notation of any visible scars, marks, or tattoos, if applicable.

3. ensure all evidentiary electronic media, including body-worn camera and in-car video system recordings, is properly attached or saved, if applicable.
 4. notify a supervisor that the data entry is complete and available for review.
- B. Upon receiving notification of data entry, the reviewing supervisor will:
1. ensure that the data entry is in compliance with Item VI and Item VII-A of this directive; and
 2. approve data entry that is in compliance with Item VI and Item VII-A of this directive and forward the data entry to the appropriate district intelligence officer and designated members of the Gang Investigation Division for review.

REMINDER: All information entered into the Criminal Enterprise Database will be reviewed and managed by the Deployment Operations Section.

VIII. CRITERIA FOR REMOVAL FROM THE CRIMINAL ENTERPRISE DATABASE

- A. An individual is eligible for removal when he or she has not committed any act in furtherance of gang or criminal-enterprise-related activity or has not been arrested, charged, petitioned for delinquency, found delinquent, or convicted of a qualifying criminal offense within the past five years. If an arrest, charge, petition for delinquency, finding of delinquency, or conviction was part of the determination that led to the person's entry into the Criminal Enterprise Database, this five-year period begins following the date of release or discharge from custody, probation, supervision, incarceration, or parole for that offense, whichever is later.
- B. An individual can also have his or her information removed from the Criminal Enterprise Database if the information is not substantiated by specific, documented, and reliable information to establish membership or affiliation in a criminal enterprise or street gang in accordance with Item VI-B of this directive.

IX. ACCESS AND REMOVAL OF CRIMINAL ENTERPRISE DATABASE INFORMATION

- A. Any person may obtain general information about the access and removal process through a link provided on the Department's website or by sending a general inquiry email to gangstatusinquiry@chicagopolice.org.
- B. An individual who is identified in the Criminal Enterprise Database may appeal and seek removal of his or her information to the designated units delineated in Item IX-D of this directive on the following grounds:
 1. the information is not substantiated by specific, documented, and reliable information to establish membership or affiliation in a criminal enterprise or street gang in accordance with Item VI-B of this directive; or
 2. the individual has not committed an act in furtherance of gang or criminal-enterprise-related activity or been arrested, charged, petitioned for delinquency, found delinquent, or convicted of a qualifying criminal offense within the past five years, and the information is eligible for removal consistent with Item VIII of this directive.
- C. Any person may seek to access or appeal the status of his or her own street gang or criminal enterprise membership or affiliation in the Criminal Enterprise Database. A parent or legal guardian of a minor under the age of eighteen may make a request for access or appeal on behalf of his or her child.
 1. To access the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database, a person must:
 - a. make a request at the Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays;

- b. complete the Criminal Enterprise Database Access form (CPD-31.615) provided by the Department; and
- c. submit valid government identification.

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

2. To appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database, a person must:

- a. make a request at the Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays;
- b. complete the Criminal Enterprise Database Appeal form (CPD-31.625) provided by the Department;

NOTE: The requestor may also submit any supporting documentation or references that he or she deems relevant for the Department's consideration.

- c. submit valid government identification; and

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

- d. cooperate with a background investigation conducted by the Chicago Police Department.

- D. Upon receipt of the completed request from the Records Division, the Deployment Operations Section, the Gang Investigation Division, and the district intelligence officer of the affected district will consult with the Office of Legal Affairs to determine if the criteria is met and the information will be deleted from the Criminal Enterprise Database.

NOTE: The Office of Legal Affairs will have the final authority to determine if the criteria has been met for removal and if the information will be deleted from the Criminal Enterprise Database.

- E. If the criteria is met, the Commander, Deployment Operations Section, will inform the Director, Information Services Division, who will ensure the individual's name, other identifiers, and records indicating street gang or criminal enterprise membership or affiliation are removed from the Criminal Enterprise Database.

NOTE: Individuals who meet the criteria for removal will have their information removed from the Criminal Enterprise Database **only**. Historical records will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws. Department members and law enforcement personnel will rely solely upon the Criminal Enterprise Database to determine an individual's active gang affiliation, as retained historical records may contain outdated or unsubstantiated gang intelligence information.

- F. Upon request to access or appeal the status in the Criminal Enterprise Database, an individual who is not identified in the Criminal Enterprise Database or who has had his or her information removed following a successful appeal may request and obtain a letter from the Department indicating his or her current status in the Criminal Enterprise Database.

X. RESPONSIBILITIES

- A. District commanders will:
 - 1. ensure the district intelligence officer reviews:
 - a. data entered into the Criminal Enterprise Database and that the determination of a person's gang/criminal enterprise membership or affiliation is substantiated by specific, documented, and reliable information consistent with Item VI-B of this directive; and
 - b. requests to appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database consistent with Item IX-D of this directive.
 - 2. annually, in coordination with the Gang Investigation Division and other designated Department personnel, perform a gang audit in accordance with G10-01-01 "**Gang Audits**," updating information for accuracy in the Criminal Enterprise Database.
 - 3. inform the Commander, Gang Investigation Division, if appropriate, before requesting to remove eligible individuals from the Criminal Enterprise Database.
 - 4. inform the Commander, Deployment Operations Section, to review requests to remove eligible individuals from the Criminal Enterprise Database.
 - 5. make general information about the access and removal process associated with the Criminal Enterprise Database available to the general public at the district station.
- B. The Gang Investigation Division will:
 - 1. in addition to entry and review of information in the Criminal Enterprise Database, when possible, assist Department members with the identification of individuals as members and affiliates of criminal enterprises or street gangs.
 - 2. review requests to appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database consistent with Item IX-D of this directive.
 - 3. coordinate with district intelligence officers to perform an annual gang audit and review and confirm information for accuracy in the Criminal Enterprise Database.
 - 4. when appropriate, provide information to remove eligible individuals from the Criminal Enterprise Database.
- C. The Deployment Operations Section will:
 - 1. finalize and update the Criminal Enterprise Database:
 - a. of all criminal street gangs and criminal enterprises identified during the district gang audit;
 - b. upon successful appeal of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database; or
 - c. upon request of the Commander, Gang Investigation Division, or a district commander.
 - 2. publish in the Daily Bulletin any newly identified street gangs or criminal enterprises or when a criminal street gang or criminal enterprise has been eliminated from "active" status.
 - 3. inform the Director, Information Services Division, when:
 - a. it is appropriate to remove eligible individuals from the Criminal Enterprise Database; and
 - b. when a criminal street gang or criminal enterprise has been eliminated from "active" status.

- D. The Director, Information Services Division, will:
1. maintain the Criminal Enterprise Database.
 2. perform a review and purge of listings in the Criminal Enterprise Database every five years.
 3. upon consultation with the Commander, Deployment Operations Section, remove information for individuals who have not committed a new qualifying criminal offense or have not had a documented incident in furtherance of gang or criminal-enterprise-related activity within the past five years.
 4. remove eligible information when requested by the Commander, Deployment Operations Section.
 5. create an online website that provides general information to the public about:
 - a. the Department's Criminal Enterprise Database policy; and
 - b. the process to access and remove a person's gang/criminal enterprise membership or affiliation status within the Criminal Enterprise Database.
 6. create and monitor the gangstatusinquiry@chicagopolice.org email address and establish a protocol to respond to emails from the general public with general information about how to access and remove a person's gang/criminal enterprise membership or affiliation status from the Criminal Enterprise Database.

XI. TRAINING

- A. The Information Services Division will create a user's guide outlining the procedures for utilizing the Criminal Enterprise Database.
- B. The Education and Training Division, in consultation with the Deployment Operations Section, the Gang Investigation Division, and the Bureau of Patrol, will establish an eLearning module on the use of the Criminal Enterprise Database.
 1. Members will receive this training on an annual basis.
 2. Members must complete the eLearning module before gaining authorization to enter, retrieve, or approve information in the Criminal Enterprise Database.

XII. AUTHORIZED USE

The Criminal Enterprise Database is available for use only by Department members with authorized access acting in furtherance of a legitimate law enforcement purpose. Information will not be disclosed to any third party for employment, education, licensing, or housing purposes.

REMINDER: It is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police. Department members will continue to follow the procedures outlined in S06-14-03 "**Responding to Incidents Involving Citizenship Status**," including compliance with the provisions of the City of Chicago's Welcoming City Ordinance.

XIII. RECORD RETENTION

Any record maintained in the Criminal Enterprise Database must comply with local, state, and federal law. The Commander, Youth Investigations Division, will ensure juvenile records that are part of the Criminal

Enterprise Database are retained and expunged in accordance with the Juvenile Court Act and any applicable local, state, or federal law.

Eddie T. Johnson
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